

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2022-106-T - ORDER NO. 2022-302

MAY 13, 2022

IN RE: Application of Minute Man Movers, LLC, to	)	ORDER APPROVING
Amend Tariff to Include a Fuel Surcharge	)	TARIFF AMENDMENT
	)	TO INCLUDE FUEL
	)	SURCHARGE

**I. INTRODUCTION**

This matter comes before the Public Service Commission of South Carolina (Commission) by the March 14, 2022 application of Minute Man Movers, LLC, (Minute Man), seeking approval to amend its tariff. We approve the application as set forth in this Order.

**II. FACTS AND PROCEDURAL HISTORY**

By way of background, the Commission granted Minute Man Movers, LLC a Class E Certificate of Public Convenience and Necessity to transport household goods on June 23, 2004, in Order No. 2004-308. Minute Man filed the current application on March 14, 2022, asking to amend its tariff by adding an eight percent (8%) fuel surcharge of the total bill. As justification for the request, Minute Man advised the Commission in correspondence dated March 11, 2022, filed on March 14, 2022:

As of today, March 11, 2022, we do not have a fuel surcharge on our tariff, but we would like to add one. We feel an 8% fuel surcharge on the total of the invoice is needed immediately. With the rising cost of diesel, we feel this is necessary. We ask the commission to expedite and grant this

surcharge on behalf of our small business, Minute Man Movers L[L]C.

The South Carolina Office of Regulatory Staff (ORS), a party of record pursuant to Section 58-41-10(B) of the South Carolina Code of Laws (Supp. 2021), notified the Commission on March 15, 2022, Nicole M. Hair, Esquire, and C. Lessie Hammonds, Esquire, would appear on behalf of ORS in this docket.

On March 31, 2022, the Commission issued Directive Order No. 2022-214, stating the Commission would carry the docket over “until we receive an impact study from ORS. As a result, the request for expedited review is denied. Once the Commission receives an Impact Study from ORS, the matter will be placed on the Commission’s Agenda for action.”

On April 28, 2022, the Commission took action to approve the application of Minute Man to amend its tariff to include an 8% fuel surcharge on the total of the bill.

### **III. LAW**

The Commission is specifically authorized to regulate carriers of household goods, and to set their rates and charges: “[t]he commission must promulgate regulations necessary to control entry and certification standards, set rates and charges, and establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.” S. C. Code Ann. § 58-23-590 (2015).

The Commission is authorized to fix or approve the rates charged by every South Carolina motor vehicle carrier: “[t]he commission shall regulate every motor carrier in this State and fix or approve the rates, fares, charges, classifications, and regulations pertaining to each motor carrier . . . . The rates once established remain in

effect until such time when the commission determines the rates are unreasonable.” § 58-23-1010.

The commission shall make, fix, establish, or allow just and reasonable rates, fares, charges, classifications, and rules for all motor carriers subject to its rate jurisdiction.

As often as circumstances may require, the commission upon notice and hearing, if deemed necessary, from time to time may change or revise, or cause to be changed or revised, any rates, fares, charges, classifications, and rules of a carrier who operates under a Certificate of PC&N.

S.C. Code of State Regulations 103-191 (2012).

“Every rate made, demanded, or received by any motor carrier operating under a Certificate of PC&N . . . shall be just and reasonable.” Reg. 103-192. Once rates are approved, motor carriers are prohibited from charging more or less than the rates specified in lawful tariffs, schedules, or by specific order of the Commission:

[N]o motor carrier operating under a Certificate of PC&N shall charge . . . a greater or lesser or different compensation for transportation, or for any service rendered, than the rates, fares, and charges specified in the lawfully applicable tariffs or schedules in effect from time to time.

S.C. Code Ann. Regs. 103-198.

Every motor carrier of property operating under a Certificate of PC&N and FWA shall provide safe and adequate service, equipment, and facilities for the transportation of property, and shall establish, observe, and enforce just and reasonable regulations and practices relating thereto and to the manner and method of presenting, marking, packing, and delivering property for transportation, the facilities for transportation, and all other matters relating to or connected with the transportation of property.

S.C. Code Ann. Regs. 103-195.

In the exercise of its power to prescribe just and reasonable rates for the transportation of passengers or property by common carriers operating under a Certificate of PC&N, the Commission may give due consideration, among other factors, to the need in the public interest of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service and to the need of such carriers for revenues sufficient to enable them, under economical and efficient management, to provide such service.

S.C. Code Ann. Regs. 103-194.

#### **IV. FINDINGS OF FACT**

1. Minute Man provided sufficient justification to the Commission for the request to amend its tariff.

2. We find the proposed amendment to add an eight percent fuel surcharge on the total invoice is reasonable.

3. We also find Minute Man is required to provide the Commission and ORS with a Final Amended Tariff, in the appropriate format that includes the eight percent fuel surcharge on the total invoice, within ten (10) days of the date of the issuance of this Order.

#### **V. CONCLUSIONS OF LAW**

1. The Commission has the authority to approve amendments to a motor carrier's tariffs as set forth in Section 58-23-590 and 58-23-1010 of the South Carolina Code of Laws and Regulation 103-191 of the South Carolina Code of State Regulations.

2. The proposed amendment to the tariff is reasonable pursuant to Regulations 103-191 and 103-192.

**VI. ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED THAT:**

1. The Application of Minute Man Movers, LLC to amend its tariff is approved.
2. Minute Man is required to provide a Final Amended Tariff, with the amendment approved by this Order incorporated in proper format, to the Commission, with a copy to the Office of Regulatory Staff, within ten (10) days of the date of issuance of this Order.
3. The Final Amended Tariff resulting from this Order must be filed by Minute Man to become effective. Upon filing with the Commission and copy to the Office of Regulatory Staff, Minute Man may implement the rates, charges, terms, and conditions in its Final Amended Tariff as set forth in this Order.
4. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



A handwritten signature in blue ink, reading "Florence P. Belser", is written over a horizontal line.

Florence P. Belser, Vice Chair  
Public Service Commission of  
South Carolina